Hovsepian v. Apple, Inc.
Doc. 209 Att. 4

# EXHIBIT 16

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Innovative Ideas International; Lightspeed Media
Group, Inc.; New Destiny Internet Group, LLC; VS Media, Inc.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SOUTHERN DIVISION

| | |
|---|---|
| ACACIA MEDIA TECHNOLOGIES CORPORATION,<br><br>Plaintiff,<br><br>v.<br><br>NEW DESTINY INTERNET GROUP, ET AL.,<br><br>Defendants. | Case No. SA CV-02-1040 JW (MLGx)<br><br>OPPOSITION CLAIM CONSTRUCTION BRIEF OF AEBN, INC.; ADEMIA MULTIMEDIA, LLC.; AUDIO COMMUNICATIONS, INC.; GAME LINK, INC.; INNOVATIVE IDEAS INTERNATIONAL; LIGHTSPEED MEDIA GROUP, INC.; NEW DESTINY INTERNET GROUP, LLC; VS MEDIA, INC. |
| AND ALL RELATED CASE ACTIONS. | Date: February 6, 2004<br>Time: 10:00 a.m.<br>Ctrm: 9A<br>Hon. James Ware |

straightforward. The "identification encoding means" retrieves the information contained in the variety of different items stored in the library means.

The '992 patent at 6:2-22 sets forth a detailed explanation of the difference between an "item" and the "information" an "item" contains:

> The items of information may include analog and digital audio and video information as well as physical objects such as books and records which require conversion to a compatible media type before converting, compressing and storing their audio and video data in the compressed data library means. ... The source material library 111 may include different types of materials including television programs, movies, audio recordings, still pictures, files, books, computer tapes, computer disks, documents of various sorts, musical instruments, and other physical objects.[6] These materials are converted to or recorded on a media format compatible to the digital and analog inputs of the system prior to being compressed and stored in a compressed data library 118. The different media formats preferably include digital or analog audio and video tapes, laser disks, film images, optical disks, magnetic disks, computer tapes, disks and, [sic] cartridges.

Thus, according to the patent, "items" are physical objects such as audio and video tapes, books, documents, computer disks, and computer tapes. Some of these items contain analog or digital information that is compatible with the analog and digital inputs 124 and 127 of the conversion means 113 shown in FIG. 2a of the '992 patent, and some do not. For those that do not, such as books for example, the information is converted or recorded to a different media format that is compatible with the system.[7] Accordingly, the "information" is the analog or digital data that represents the movie, television program, image, or text of the item.

In its proposed construction of the "retrieving function," Acacia has eliminated

[6] While not relevant to this hearing, Acacia's claim that the reference to musical instruments and other physical objects are meant to refer to "live events," (Acacia Br. at 3 n.6), is, in a word, preposterous.

[7] The step of "converting to a compatible media format" does not appear in the claims of the '992 patent because the patent explicitly discloses that it is not always necessary. This "converting" step occurs before the information is retrieved by the "identification encoding means" and is not the conversion step that appears in claims 1 and 41. ('992 patent at 6:15-22) ("The items of information may include ... physical objects such as books and records which require conversion to a compatible media type before converting, compressing and storing ...") (emphasis added).